

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Civil Action No: 3:17-CV-00652

SNYDER’S-LANCE, INC. and PRINCETON
VANGUARD, LLC,

Plaintiffs,

v.

FRITO-LAY NORTH AMERICA, INC.,

Defendant.

JOINT MOTION FOR EXTENSION OF
DEADLINES FOR (1) COMPLIANCE WITH
COURT’S ORDER ON MOTION TO
COMPEL AND (2) SUBMISSION OF
REVISED SUMMARY JUDGMENT
BRIEFING SCHEDULE

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Rule 7.1 of the Local Civil Rules, Defendant Frito-Lay North America, Inc. and Plaintiffs Snyder’s-Lance, Inc. and Princeton Vanguard, LLC (collectively, the “Parties”) move this Court for an extension of the deadline for Plaintiffs to produce documents pursuant to the Court’s March 26, 2019 Order on Defendant’s Motion to Compel. The Parties also move this Court for an extension of the deadline for submitting a revised briefing schedule in connection with the motions for summary judgment filed by the Parties. In support of this motion, the Parties show the Court as follows:

1. Defendant filed its Motion for Summary Judgment on August 30, 2018. (Dkt. 28).
2. Plaintiffs filed their response to Defendant’s Motion for Summary Judgment on October 29, 2018. (Dkt. 33). Along with their response, Plaintiffs filed a Cross-Motion for Summary Judgment. (Dkt. 34).
3. Defendant moved on November 9, 2018 for an extension of time until February 1, 2019 to file a reply in support of its Motion for Summary Judgment and respond to Plaintiffs’ Cross-Motion for Summary Judgment. (Dkt. 47). This motion was granted on November 13, 2018 (Dkt. 48).

4. Following receipt of the Cross-Motion for Summary Judgment, Defendant conducted discovery, including document requests.

5. On January 28, 2019, the Parties filed a “Joint Motion for Extension of Deadlines Regarding Motions for Summary Judgment” (Dkt. 51) and that motion was granted by the Court on January 28, 2019 (Dkt. 52).

6. On February 19, 2019, Defendant filed a Motion to Compel Production of Documents in connection with its document requests of Plaintiffs (“Motion to Compel”) (Dkt. 53).

7. On March 1, 2019, the Parties filed a “Joint Motion for Stay of All Briefing Deadlines Regarding Motions for Summary Judgment” (the “Joint Motion for Stay”) (Dkt. 58), which was granted by the Court. In its Order granting the Joint Motion for Stay (Dkt. 60), the Court directed that should the Court grant Defendant’s Motion to Compel, the parties should submit to the Court a revised briefing schedule with respect to the motions for summary judgment within 10 days of such ruling.

8. On March 26, 2019, the Court issued an Order granting Defendant’s Motion to Compel and allowing Plaintiffs until April 10, 2019, to produce documents as directed in the Order (Dkt. 65).

9. Because the Court granted the Motion to Compel, pursuant to the Court’s Order on the Joint Motion for Stay, the current deadline for the Parties to provide the Court with a revised briefing schedule with respect to the motions for summary judgment is April 5, 2019.

10. Plaintiffs need additional time in which to produce the documents as directed in the Order on the Motion to Compel.

11. Because the Parties do not yet know the full scope of that production and the impact it will have on the briefing schedule, they need additional time in which to propose a briefing

schedule to the Court.

12. Therefore, the Parties request an extension of time until **April 17, 2019**, for Plaintiffs to comply with the Court's Order on the Motion to Compel.

13. The Parties also request until **April 24, 2019**, for the Parties to provide the Court with a revised briefing schedule pursuant to the Court's Order on the Joint Motion for Stay.

14. This request is not sought for delay but to allow for efficient and full discovery and briefing with respect to the summary judgment motions.

WHEREFORE, the Parties respectfully request that the Court extend the relevant deadlines as outlined in this motion.

Respectfully submitted, this the 5th day of April, 2019.

[signatures on following page]

/s/ Alexander M. Pearce

Alexander M. Pearce
N.C. State Bar No. 37208
Wyrick Robbins Yates & Ponton LLP
4101 Lake Boone Trail, Suite 300
Raleigh, North Carolina 27607
Telephone: (919) 781-4000
Facsimile: (919) 781-4865
apearce@wyrick.com

Jonathan D. Sasser
N.C. State Bar No. 10028
ELLIS & WINTERS, LLP
P.O. Box 33550
Raleigh, NC 27636
Telephone: (919) 865-7000
Jon.sasser@elliswinters.com

David H. Bernstein*
James J. Pastore*
Jared I. Kagan*
Michael C. McGregor*
DEBEVOISE & PLIMPTON LLP
919 Third Avenue
New York, NY 10022
Telephone: (212) 909-6696
dhbernstein@debevoise.com
jjpastore@debevoise.com
jikagan@debevoise.com
mcmcgregor@debevoise.com

Attorneys for Plaintiffs

* admitted *pro hac vice*

/s/ Alice C. Richey

Alice C. Richey
N.C. Bar No. 13677
Abigail W. Henderson
N.C. Bar No. 52182
ALEXANDER RICKS PLLC
1420 E. 7th St., Suite 100
Charlotte, NC 28204
Telephone: 980-335-0720
Facsimile: 704-365-3676
alice@alexanderricks.com
abbie@alexanderricks.com

William G. Barber*
David E. Armendariz*
PIRKEY BARBER PLLC
600 Congress Ave., Suite 2120
Austin, Texas 78701
Telephone: (512) 482-5223
Facsimile: (512) 322-5201
bbarber@pirkeybarber.com
darmendariz@pirkeybarber.com

Attorneys for Defendant

* admitted *pro hac vice*